

Town Board Minutes

April 5, 2010

Meeting No. 9

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 5th day of April 2010, at 6:30 PM and there were

PRESENT: JOHN ABRAHAM, COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
NEIL CONNELLY, PLANNING BOARD MEMBER
KRISTIN KEANE, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ABSENT: STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
GEORGE PEASE, ASSISTANT CODE ENFORCEMENT OFFICER
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY
REVIEW (SEQR) OF THE
MEDFIRST URGENT CARE FACILITY SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Medfirst Urgent Care Facility site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
John Dudziak, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately .64± acres.

The location of the premises being reviewed is situate 4827 Transit Road, County of Erie, Lancaster, New York.

This project is described as a proposed Medfirst Urgent Care Facility.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
MEDFIRST URGENT CARE FACILITY SITE PLAN
NEGATIVE DECLARATION**

REASONS SUPPORTING DETERMINATION

FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following:
(except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

_____ **No significant adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No significant adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No significant adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No significant adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy).

No significant adverse effects noted

- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____
Robert H. Giza, Supervisor
Town of Lancaster

SEAL

April 5, 2010

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

| | |
|------------------------------------|------------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |
| PLANNING BOARD MEMBER ANDERSON | VOTED YES |
| PLANNING BOARD MEMBER CONNELLY | VOTED YES |
| PLANNING BOARD MEMBER KEANE | VOTED YES |
| PLANNING BOARD MEMBER KORZENIEWSKI | VOTED YES |
| PLANNING BOARD MEMBER SOCHA | VOTED YES |
| PLANNING BOARD MEMBER SZYMANSKI | VOTED YES |
| PLANNING BOARD CHAIRMAN KEYSA | WAS ABSENT |

The Notice of Determination was thereupon adopted.

April 5, 2010

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY COUNCIL MEMBER AQUINO FOR ADJOURNMENT OF THE MEETING, which resulted as follows:

| | |
|------------------------------------|------------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |
| PLANNING BOARD MEMBER ANDERSON | VOTED YES |
| PLANNING BOARD MEMBER CONNELLY | VOTED YES |
| PLANNING BOARD MEMBER KEANE | VOTED YES |
| PLANNING BOARD MEMBER KORZENIEWSKI | VOTED YES |
| PLANNING BOARD MEMBER SOCHA | VOTED YES |
| PLANNING BOARD MEMBER SZYMANSKI | VOTED YES |
| PLANNING BOARD CHAIRMAN KEYSA | WAS ABSENT |

The meeting was adjourned at 6:39 P.M.

Signed _____
Johanna M. Coleman, Town Clerk

Town Board Minutes

April 5, 2010

Meeting No. 10

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 5th day of April 2010 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
GEORGE PEASE, ASSISTANT CODE ENFORCEMENT OFFICER
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
TERRENCE McCRACKEN, GENERAL CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

AT 8:52 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing contractual matters.

At 9:28 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Chowaniec, Lee, spoke to the Town Board on the following matter:

- Proposed changes to William Street & Transit Roads in the vicinity of WalMart.

Fronczak, Mike, spoke to the Town Board on the following matters:

- Bridge repair work on Pavement Road Bridge and Cemetery Road Bridge.
- Proposed Public Safety Building.
- Wild Geese.

Hangauer, Carmen, spoke to the Town Board on the following matter:

- Heritage Trail Plans.

Hannah Koterak, 7th Grade Depew Middle School Student, and Sertoma Essay Winner presented her “Freedom Essay”.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York regarding stop intersections in Windsor Ridge Subdivision, Phase 1(b).

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

| NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT | Proponent/ Opponent/ Comments/Questions |
|---|---|
| NONE | |

ON MOTION BY COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:31P.M.

The Town Board, later in the meeting, adopted a resolution, hereafter spread at length in these minutes, taking favorable action upon this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
March 15, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | ABSTAINED |
| COUNCIL MEMBER STEMPIAK | ABSTAINED |
| SUPERVISOR GIZA | VOTED YES |

April 5, 2010

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Town Justice J. Michael Kelleher and Town Justice Mark A. Montour of the Lancaster Town Court, by letter dated March 18, 2010, have requested the appointment of a Court Officer (substitute), part time, and

WHEREAS, the Town Justices have recommended the appointment of Michael F. Jablonski, Lancaster, New York to the position of Court Officer (substitute), part time.

NOW, THEREFORE, BE IT

RESOLVED, that Michael F. Jablonski of Lancaster, New York be and is hereby appointed to the position of Court Officer (substitute), part time effective April 6, 2010 at the rate of \$14.47 per hour, to serve on an as needed basis when a regular Court Officer is unavailable to serve during Town Court proceedings, and

BE IT FURTHER

RESOLVED, that when Mr. Jablonski is called upon to serve as Court Officer, he shall receive a minimum of three (3) hours of pay or pay for the actual number of hours worked, whichever is greater, and

BE IT FURTHER

RESOLVED, that Mr. Jablonski shall not be entitled to any other compensation or benefits while serving as Court Officer (substitute), part time, and specifically shall not be subject to or entitled to benefits under the Personnel Rules for Employees in the Service of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | |
|--------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

April 5, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, On the 1st day of February, 2010, the Town Board of the Town of Lancaster authorized amending Chapter 46-Vehicle and Traffic Ordinance of the Code of the Town of Lancaster, and

WHEREAS, On February 1, 2010 persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, due to a typographical error on the previously approved February 1, 2010 resolution the sequential number for the Town of Lancaster Code was incorrectly listed as eleven (11) and should have been listed as nineteen (19), and

WHEREAS, this error does not alter in any manner the substance of the amendment to the Code of the Town of Lancaster that was approved on February 1, 2010 there is no need to hold another Public Hearing;

**NOW, THEREFORE, BE IT
RESOLVED,** as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting the Town Board of the Town of Lancaster held on April 5, 2010;
3. That a Certified Copy thereof be published in the Lancaster Bee on April 8, 2010,
4. That a Certified copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

April 5, 2010

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE IX - Speed Regulations

§46-9. Maximum speed limits.

- C. A speed limit of 45 miles per hour shall be posted on the following designated highways:

.....

- (19) Erie Street, for eastbound and westbound traffic between Pavement Road and its terminus at Townline Road.

April 5, 2010

**STATE OF NEW YORK :
COUNTY OF ERIE :
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 5th day of April, 2010, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 5th day of April, 2010.

Johanna M. Coleman, Town Clerk
April 5, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the Town Board hereby appoints Sheldon Kurtzman
Member, Industrial Development Agency for the period January 1, 2010 to December 31,
2010.

BE IT FURTHER

RESOLVED, that he shall serve at the will of the Town Board and this
appointment is without financial compensation.

The question of the adoption of the following resolution was duly put to a
vote on roll call which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

April 5, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, a Public Hearing was held on the 5th day of April, 2010 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted:

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on April 5, 2010;
2. That a Certified Copy thereof be published in the Lancaster Bee on April 8, 2010;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

April 5, 2010

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE VIII - Stop Intersections; Non-Intersection Stops; Yield Intersections

46-8.1 **Stop Intersections designated, is hereby amended by adding thereto the following:**

WINDSOR RIDGE SUBDIVISION PHASE I(b)

| <u>STREET NAME</u> | <u>INTERSECTING STREET</u> | <u>SIGN LOCATION</u> |
|---------------------------|-----------------------------------|---------------------------------|
| Chestnut Corner | Worthington Lane | N.W. Corner |
| Worthington Lane | Chestnut Corner | N.E. Corner |
| Chestnut Corner | Worthington Lane | S.E. Corner |
| Worthington Lane | Parliament Lane | N.E. Corner |
| Worthington Lane | Parliament Lane | S.W. Corner |
| Parliament Lane | Worthington Lane | S.E. Corner |
| Parliament Lane | Chestnut Corner | N.W. Corner |
| Parliament Lane | Chestnut Corner | S.E. Corner |
| Chestnut Corner | Parliament Lane | S.W. Corner |

April 5, 2010

STATE OF NEW YORK :
COUNTY OF ERIE : **ss:**
TOWN OF LANCASTER :

THIS IS TO CERTIFY that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 5th day of April, 2010 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 5th day of April, 2010.

Johanna M. Coleman, Town Clerk
April 5, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Gold Seal Equity Partnership, 2 Wendling Court, Lancaster, New York 14086, the owner of a parcel of land locally known as 5872 Genesee Street at Gunnville Road has petitioned the Town Board of the said Town for the rezone of said property from a Residential Commercial Office District (RCO) to a Light Industrial (LI), and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 19th day of April, 2010, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

April 5, 2010

**LEGAL NOTICE
REZONE - PUBLIC HEARING
5872 GENESEE STREET
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on April 5, 2010 the said Town Board will hold a Public Hearing on the 19th day of April, 2010 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from Residential Commercial Office District (RCO) to a Light Industrial (LI):

ALL THAT TRACT or parcel of land situate in the Town of Lancaster, County of Erie, State of New York distinguished as being part of Lot 12 Section 6, Township 11, Range 6 of the Holland Land Company's survey, so-called, bounded and described as follows:

BEGINNING AT a point in the southerly bounds of Lot 12, Section 6, being the centerline of Genesee Street, said point being the southwesterly corner of lands deeded to the County of Erie by deed recorded in the Erie County Clerk's Office in Liber 6356 of Deeds at page 85 and known as Parcel No. 1 of Map Sk 161-11;

THENCE WESTERLY ALONG the southerly bounds of Lot 12 Section 6 a distance of 363.90 feet to a point in the easterly bounds of lands deeded to John Winspear;

THENCE NORTHERLY ALONG the easterly bounds of said Winspear lands a distance of 1010.29 feet to the southerly bounds of the New York State Thruway, said point being the southwesterly corner of lands appropriated by the State of New York by deed recorded in the Erie County Clerk's Office in Liber 5390 of Deeds at page 121 and known as Parcel No. 880 of Map No. 880;

THENCE EASTERLY ALONG the southerly bounds of the New York State Thruway, also being the southerly bounds of lands described in said appropriation, a distance of 367.00 feet to a point in the present westerly bounds of Gunnville Road, said point being the northwesterly corner of lands appropriated by the State of New York by deed recorded in the Erie County Clerk's Office in Liber 5390 of Deeds at page 128 and known as Parcel No. 892 of Map No. 892;

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

April 5, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief, by letter dated March 22, 2010, has requested the appointment of two (2) laborers, part-time, seasonal to work in the Parks, Recreation and Forestry Department of the Town of Lancaster for the Spring/Summer season, and

WHEREAS, these positions are necessary to provide the department with pre-season work including tree planting, lawn maintenance, athletic field preparation and Spring clean-up.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the position of laborer part-time seasonal for the Spring/Summer season in the Parks, Recreation and Forestry Department effective April 5, 2010, at the following rates. That this being a part-time position provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part-time temporary employees.

| <u>NAME</u> | <u>PAY RATE/HR.</u> |
|--|---------------------|
| Alex Barnhardt (rehire) Lancaster, NY 14086 | \$7.65 |
| Michael Saad (rehire) Depew, NY 14043 | \$7.25 |

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | |
|--------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

April 5, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated March 26, 2010, has recommended the appointment of Suzanne Reid, Buffalo, New York to the position of regular part time tutor with the Youth Bureau of the Town of Lancaster.

_____ **NOW, THEREFORE, BE IT**

RESOLVED, that Suzanne Reid of Buffalo, New York be and is hereby appointed to the position of tutor regular part time not to exceed nineteen hours per week in the Town of Lancaster Youth Bureau effective April 5, 2010, at the rate of \$16.00 per hour, and that this appointment, being a part time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for regular part time employees.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | |
|--------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

April 5, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the County of Erie Department of Senior Services has heretofore provided a van to the Town of Lancaster for the purpose of providing transportation to senior citizens in the Town of Lancaster, and

WHEREAS, it is necessary to enter into a contractual arrangement with the County of Erie in order to continue providing said services to seniors, and

WHEREAS, the Town Attorney has reviewed the proposed contract with the County of Erie;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Agreement with the County of Erie Department of Senior Services for the year 2010.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|--------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

April 5, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 12940 to Claim No. 13239 Inclusive

Total amount hereby authorized to be paid: \$3,603,778.45

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

April 5, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

- CODES:**
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

| | | | |
|-------|---------------|-------------|----------------|
| 16415 | Grau Builders | 11 Logan Ln | Er. Dwlg.-Sin. |
| 16993 | Grau Builders | 24 Logan Ln | Er. Dwlg.-Sin. |

NEW PERMITS:

| | | | |
|-------|--------------------------|---------------------|-------------------|
| 17715 | Morshed, Kasem | 400 Harris Hill Rd | Er. Res. Add. |
| 17716 | The Pool Guy | 166 Nathan's Trl | Er. Pool-Abv Grnd |
| 17717 | Forbes Homes | 4 Sawgrass Ln | Er. Dwlg.-Sin. |
| 17718 | Energy Cost Control | 5 Petersbrook Cir | Inst. Generator |
| 17719 | Mecca, Robert | 50 Cedar Brook Dr | Er. Shed |
| 17720 | Zenner & Ritter | 66 Kennedy Ct | Inst. Generator |
| 17721 | RFH Exteriors | 52 Harvey Dr | Re-Roof (V/L) |
| 17722 | Gordon, Stephen | 59 Pavement Rd | Er. Deck |
| 17723 | JB's Home Improvement | 81 Aurora St | Re-Roof (V/L) |
| 17724 | MJ Peterson/Tucker Homes | 49 Chestnut Corner | Er. Dwlg.-Sin. |
| 17725 | Beilmeier Builders | 8 Parliament Ln | Er. Dwlg.-Sin. |
| 17726 | Sun Enterprises Inc | 12 Idlebrook Ct | Er. Shed |
| 17727 | PJK Roofing | 1867 Como Park Blvd | Re-Roof (V/L) |
| 17728 | Marrano/Marc Equity | 410 Seneca Pl | Er. Dwlg.-Sin. |
| 17729 | American Fence Co | 28 Red Clover Ln | Er. Fence |
| 17730 | KCM Custom Garages | 5 Via Tripodi | Er. Garage |
| 17731 | Reger, Tammy | 6190 Genesee St | Er. Shed |
| 17732 | The Pool Guy | 33 Rose St | Er. Pool-Abv Grnd |
| 17733 | Jim's Electric | 6675 Transit Rd | Er. Comm. Add. |
| 17734 | Seibold Construction | 20 Fieldstone Ln | Re-Roof |
| 17735 | Buffalo Builders | 26 Lake Ave | Er. Garage (V/L) |
| 17736 | S & A Debris Removal | 26 Lake Ave | Dem. Garage (V/L) |
| 17737 | City Fence | 4887 William St | Er. Fence |
| 17738 | Krempa, Craig | 175 Westwood Rd | Er. Shed |
| 17739 | The Vinyl Outlet | 18 Carter St | Er. Fence (V/L) |
| 17740 | Home Depot | 15 Hillside Pky | Er. Fence |
| 17741 | United Materials | 563 Pavement Rd | Dem. Dwlg. |
| 17742 | Pfeil, Scott | 161 Sawyer Ave | Re-Roof (V/L) |
| 17743 | The Vinyl Outlet | 1886 Como Park Blvd | Er. Fence (V/L) |
| 17744 | Griggs, John | 10 Carter St | Er. Fence (V/L) |
| 17745 | Oneida Fencing | 157 Broezel Ave | Er. Fence |

| | | | | |
|-------|--------------------------|---------------------|------------------|-------|
| 17746 | Building Solutions | 2 Westbury Ln | Re-Roof | |
| 17747 | T R Renovations | 50 Bentley Cir | Re-Roof | |
| 17748 | Dobiesz, Thomas | 6 Willow Ridge Ln | Er. Fence | |
| 17749 | MJ Peterson/Tucker Homes | 23 Worthington Ln | Er. Dwlg.-Sin. | |
| 17750 | Targia, John | 3 Red Clover Ln | Er. Shed | |
| 17751 | Rinow, Daniel | 146 Hinchey Ave | Er. Fireplace | (V/L) |
| 17752 | Premier Fence Co | 30 Woodlawn Ave | Er. Fence | (V/L) |
| 17753 | Patrick Custom Homes | 19 Worthington Ln | Er. Dwlg.-Sin. | |
| 17754 | Castle Home Imprv | 14 Stream View Ln | Re-Roof | |
| 17755 | Besroi Construction | 5 Grace Way | Re-Roof | |
| 17756 | Besroi Construction | 132 Siebert Rd | Re-Roof | |
| 17757 | Garland Graphics | 26 Rehm Rd | Er. Sign | |
| 17758 | Sahlem's Roofing | 85 Country Pl | Re-Roof | |
| 17759 | Sahlem's Roofing | 371 Broezel Ave | Re-Roof | |
| 17760 | All Star Fence | 28 Burwell Ave | Er. Fence | (V/L) |
| 17761 | Mohr, Ralph | 5622 Broadway | Re-Roof | (V/L) |
| 17762 | Majestic Pools | 6 Cambridge Ct | Er. Pool-In Grnd | |
| 17763 | Majestic Pools | 6 Cambridge Ct | Er. Fence | |
| 17764 | Majestic Pools | 7 Sawgrass Ln | Er. Pool-In Grnd | |
| 17765 | Majestic Pools | 7 Sawgrass Ln | Er. Fence | |
| 17766 | Miller, Janet | 48 Cowing St | Er. Shed | (V/L) |
| 17767 | McKee, Kenneth | 1964 Como Park Blvd | Re-Roof | (V/L) |
| 17768 | The Vinyl Outlet | 15 Cemetery Rd | Er. Fence | |

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|-------------------------|-----------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AQUINO | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

COMMUNICATIONS & REPORTS

114. Gary R. Bichler to Town Clerk -
Letter opposing rezone petition of Gold Seal Equity Partnership, 5872 Genesee Street at Gunnville Road. DISPOSITION = Planning Committee
115. David A. Paterson, NYS Governor to Town Clerk -
Acknowledgment of resolution regarding hazardous household waste.
DISPOSITION = Received & Filed
116. Neill & Strong, PLLC to Town Clerk -
Notice of public hearing to be held April 8, 2010, 7:30 PM at Marilla Town Hall regarding Local Law No 2 of the Year 2010 "Temporary Storage Units and Temporary Structures".
DISPOSITION = Received & Filed
117. Lee Chowaniec to Planning Board -
Letter regarding possible closing of the William Street access to Northwood Drive.
DISPOSITION = Received & Filed
118. Chief of Police to Supervisor -
Request resolution for two members of the SWAT Team to attend NYS Tactical Training Conference in Verona NY on April 27/29, 2010. DISPOSITION = Resolution 3/15/10
119. NYS DEC to Town Attorney -
Notice of lead agency designation regarding proposed Buffalo Filter Corporate Headquarters, 5872 Genesee Street; comments noted. DISPOSITION = Planning Committee
120. General Crew Chief to Planning Board, Council Members Abraham, Ruffino & Stempniak -
Notification of no issues regarding landscape plan for proposed Tool Ranch addition, 3857 Walden Avenue; recommendation regarding front of the building noted.
DISPOSITION = Planning Committee
121. Time Warner Cable to Supervisor -
Notice of changes regarding cable television service within the Town.
DISPOSITION = Received & Filed
122. Lancaster Town Band to Supervisor -
Letter regarding the 2010 Town Band Summer Concert schedule. DISPOSITION = Received & Filed
123. Village of Lancaster to Town Board -
Minutes of meeting held March 8, 2010. DISPOSITION = Received & Filed
124. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held March 17, 2010. DISPOSITION = Received & Filed
125. Planning Board to Town Board -
Recommend approval of site plan for Urgent Care Facility, 4827 Transit Road; conditions noted. DISPOSITION = Planning Committee
126. Planning Board to Town Board -
Recommend approval of rezone petition of Gold Seal Equity Partnership for portion of 5872 Genesee Street at Gunnville Road; comments noted. DISPOSITION = Planning Committee
127. Planning Board to Town Board -
Notice of tabling regarding site plan for Tool Ranch, 3857 Walden Avenue; conditions noted. DISPOSITION = Planning Committee
128. Lipsitz Green Scime Cambria to Town Clerk -
Advisement of liquor license renewal application for Dunn Tire Raceway.
DISPOSITION = Town Clerk

129. Town Court to Supervisor -
Request resolution to appoint Michael F. Jablonski as substitute part time court officer.
DISPOSITION = Resolution 4/5/10
130. General Crew Chief to Supervisor -
Request resolution to appoint two seasonal laborers. DISPOSITION = Resolution 4/5/10
131. Depew Joint Veterans Committee to Supervisor -
Invitation to the Town Board annual Memorial Day Ceremonies on Monday, May 31, 2010 at 11:15 AM. DISPOSITION = Received & Filed
132. Brian M. Kolb, NYS Assembly Minority Leader to Town Clerk -
Acknowledgment of receipt of Town Board resolution regarding household hazardous waste. DISPOSITION = Resolution 4/5/10
133. Executive Director, Youth Bureau to Supervisor -
Request resolution to appoint Suzanne Reid as regular part time tutor. DISPOSITION = Resolution 4/5/10
134. Commissioner, E.C. Department of Environment and Planning to Supervisor -
Letter regarding the Microenterprise Loan Fund Program for small business development.
DISPOSITION = Received & Filed
135. Town Attorney to Town Clerk -
Notice of SEQR meeting to be held Monday, April 5, 2010, 6:30 PM regarding the proposed Urgent Care Facility, 4827 Transit Road. DISPOSITION = Received & Filed
136. Town Clerk to Various News Media -
Notice of SEQR meeting to be held Monday, April 5, 2010, 6:30 PM regarding the proposed Urgent Care Facility, 4827 Transit Road. DISPOSITION = Received & Filed
137. General Crew Chief to Supervisor -
Invitation to the Town's Arbor Day Celebration to be held at Westwood Park, Saturday, April 24, 2010. DISPOSITION = Received & Filed
138. Time Warner Cable to Supervisor -
Notification of cable television developments within the Town. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the meeting was adjourned at 9:28 P.M. in memory of Carl Brown.

Signed _____
Johanna M. Coleman, Town Clerk

